

AMENDMENTS TO THE DRAWINGS:

Attached herewith is one replacement sheet of drawing which corrects the spelling the word "terminal" in box S1030 in Figure 23. This replacement sheet is to replace the original drawing sheet which shows Figure 23.

Attachments:

One (1) Replacement Sheet of Drawing

Remarks

Claims 46-77 are pending in this application. Claims 72-77 have been withdrawn from consideration.

Figure 23 has been amended to correct a typographical error in box S1030.

Claims 46, 47, 49-52, 55-59, 62, 64, and 65 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated U.S. Patent No. 6, 282,569 to Wallis et al. Applicants respectfully traverse.

The Wallis patent is directed to a name server computer having a load leveling facility to spread the load from client computers across a plurality of server computers. For example, a server in the Wallis patent can be a database server with data distributed over plural server computers. Database applications being run by users on client computers must connect to one of the server computers to enable the user the access data in the database. If a large number of users via a client computer desires to access the database, it would be best for network performance to have the large number of client computers access the database through a number of the plural server computers, rather than just one or two of the server computers.

In making the rejection of the specifically claimed data transmission device (claim 46), data receiving device (claim 51) and a portable terminal (claim 58), the Examiner identifies Figure 1, column 2, lines 49-67, and column 3, line 45-column 4, line 6 of the Wallis patent as disclosing all of the features respectively recited in independent claims 46, 51 and 58.

However, the Examiner fails to identify which parts of the disclosure identify the claimed first transmission unit, the receiving unit and second transmission unit recited in

claim 46, or the transmission unit and connection unit recited in claim 51, or the first transmission unit, receiving unit and second transmission unit comprised with the portable terminal of claim 58. Applicants submit that the Wallis patent does not disclose or suggest such claimed units.

Alternatively, independent claim 46 now recites the feature of a first transmission unit for transmitting to said portable terminal without recourse to said data network a signal for obtaining device information from said data receiving device. Independent claim 51 recites the feature of a transmission unit for transmitting data receiving device information to said portable terminal without recourse to said data network according to a request signal received from said portable terminal without recourse to said data network. Independent claim 58 recites the feature of a first transmission unit for transmitting to said data receiving device without recourse to the data network a signal for requesting transmission of device information according to a request from said data transmission device.

As shown in at least Applicants' Figures 1, 15, 24, and 44, the communication between the portable terminal and the data transmission and data receiving devices occurs without recourse to or outside of the data network to which the data transmission and data receiving devices are connected. The Wallis patent does not disclose or suggest such features. Applicants respectfully request withdrawal of the rejection, and notification of allowance of claims 46, 47, 49-52, 55-59, 62, 64, and 65.

Claims 48, 53, 60, 63, 66-68, 70 and 71 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wallis in view of U.S. Patent No. 6,535,918 to Bender.

In making the rejection of independent claim 66, the Office Action states that Wallis discloses a communication unit at the same citations used disclose a first transmission unit, the receiving unit and second transmission unit recited in claim 46, or the transmission unit and connection unit recited in claim 51, or the first transmission unit, receiving unit and second transmission unit comprised with the portable terminal of claim 58. Like the rejections of claims 46, 51 and 58, the Office Action does not state which part of the system disclosed by the Wallis patent corresponds the communication unit recited in independent claim 61.

As for the controller recited in claim 61, the Office Action directs the Applicants' attention to column 9, lines 4-29. This citation merely states that decision logic can implement the "round-robin" principle, but does not explain how this discloses or suggests the feature of the controller deleting the device information if a certain condition is satisfied. The citation states that there are situations where the "round-robin" approach is acceptable. But these do not seem to address the presence of a controller or how the citation discloses performing the function of deleting the device information if a certain condition is satisfied. For at least this reason, without further explanation, the rejection should be withdrawn.

The Office Action relies on the Bender patent to disclose wireless communication. Claim 66 now recites a wireless communication unit for receiving device information of said data transmission device from said portable terminal without recourse to said data network, the device information containing connection information

for establishing a connection between said data transmission device and said data receiving device using said data network.

Neither the Wallis patent nor the Bender patent, either individually or in combination, disclose or suggest the features recited in independent claim 66 and dependent claims 67, 68, 70 and 71.

As for claims 48, 53, 60 and 63, which depend on independent claims 46, 51 and 58 respectively, the Bender patent does not overcome the deficiencies of the Wallis patent . The Wallis patent and the Bender patent, either individually or in combination, disclose or suggest all of the features recited in dependent claims 48, 53, 60 and 63. The rejection of claims 48, 53, 60, 63, 66-68, 70 and 71 should be withdrawn.

Claims 54, 61, and 69 have been rejected under 35 U.S.C. §103(a) over the combination of the Wallis and Bender patents further in view of the U.S. Patent No. 6,947,408 to Liberti et al.

The Liberti patent does not overcome the deficiencies of the Wallis and Bender patents as explained above. The teachings of the Wallis, Bender and Liberti patents, either individually or in combination, do not disclose or suggest all of the features recited in independent claims 51, 58 and 66. The rejection of claims 54, 61, and 69 should be withdrawn.

The Advisory Action mailed August 11, 2006 states that the term "portable" is used in the claims, and no further limitations in the claims teach any portability characteristic of the terminal. This assertion completely ignores the plain meaning of the term "portable" in describing the claimed portable terminal.

As the Examiner is well aware, "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 981, 180 USPQ 580 (CCPA 1974).

Therefore, Applicants respectfully request consideration of all of the words in the claims, including the word "portable."

Applicants respectfully submit that claims 46-71 are in condition for allowance, and notification to that effect is respectfully requested.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: September 11, 2006

By: Martin E. Miller
Martin E. Miller
Registration No. 56,022

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620